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UNITED STATES DISTRICT COURT
 FOR THE NORTHERN MARIANA ISLANDS

ANTONIO S. CAMACHO,

Plaintiff,

vs.

COMMONWEALTH OF THE
 NORTHERN MARIANA ISLANDS,
 MARIANAS PUBLIC LANDS
 AUTHORITY,* successor to the Marianas
 Public Lands Corp., and DEPARTMENT
 OF PUBLIC WORKS,

Defendants.

CIVIL ACTION NO. 05-0043

**EX PARTE APPLICATION UNDER
 LOCAL RULE 7.1 TO INCREASE
 TIME FOR BRIEFING ON
 PLAINTIFF'S MOTION FOR WRIT
 OF EXECUTION OR ORDER
 IN AID OF JUDGMENT;
 CERTIFICATE MADE PURSUANT
 TO RULE 7.1.h.3(b);
 DECLARATION IN SUPPORT;
 CERTIFICATE OF SERVICE**

Hearing: Thursday, 28 August 2008
 Time: 8:00 a.m.
 Judge Hon. Alex R. Munson

* Under Public Law 15-2, Section 101 (N. Mar. I. Feb. 22, 2006), available at http://www.cnmilaw.org/pdf/public_laws/15/pl15-02.pdf, most powers and duties assigned to the former Marianas Public Land Authority were assigned to the Department of Public Lands (DPL). See Fed. R. Civ. P. 25(c) ("action may be continued by or against the original party, unless the court upon motion directs the person to whom the interest is transferred to be substituted in the action").

CERTIFICATE PURSUANT TO LOCAL RULE 7.1.h.3(b)

I, GREGORY BAKA, certify as follows:

A. Pursuant to L.R. 7.1.h.3(b)2.(A), the name, telephone number, facsimile number, and office address of counsel for plaintiff are: Michael W. Dotts, Esq. and George L. Hasselback, Esq., O'Connor, Berman, Dotts & Banes; Marianas Business Plaza, 2nd Floor, Nauru Loop, Susupe, P. O. Box 501969, Saipan, MP 96950-1969; Telephone: (670) 234-5684; Facsimile: (670) 234-5683.

I am one of the attorneys for defendants Commonwealth of the Northern Mariana Islands (CNMI); the former Marianas Public Lands Authority (MPLA) through its successor in interest, the Department of Public Lands (DPL); and the Department of Public Works (DPW). My name, telephone number, facsimile number, and office address are set forth above the caption.

B. Pursuant to L.R. 7.1.h.3(b)2.(B) (reason for *ex parte* application), the reason this application is *ex parte* is due to the fact that there is insufficient time to do a noticed motion or a written stipulation pursuant to L.R. 7.1.e.2 (no continuances within one week of hearing date). Further, good cause exists to grant the extension motion, as set forth in the application below.

C. Pursuant to L.R. 7.1.h.3(b)2.(C) (notification of other parties) I notified plaintiff's counsel by calling Michael W. Dotts at 6:00 p.m. on Tuesday, 26 August 2008, and informing him that I would be seeking this time extension to file an opposition

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1 this evening with as much time for a reply as needed. He informed me that the Plaintiff
2 would oppose the extension motion.

3 Respectfully submitted,

4 OFFICE OF THE ATTORNEY GENERAL

5 MATTHEW T. GREGORY # F0205
6 Attorney General

7 Dated: Tuesday, 26 August 2008.

Gregory Baka
8 GREGORY BAKA # F0199
9 Deputy Attorney General

10 Attorneys for Defendants CNMI,
11 former MPLA (DPL), and DPW

12 **APPLICATION TO INCREASE TIME FOR BRIEFING ON PLAINTIFF'S**
13 **MOTION FOR WRIT OF EXECUTION OR ORDER IN AID OF JUDGMENT**

14 **COME NOW DEFENDANTS** Commonwealth of the Northern Mariana Islands
15 (CNMI); the former Marianas Public Lands Authority (MPLA) through its successor in
16 interest, the Department of Public Lands (DPL); and the Department of Public Works
17 (DPW), by and through their counsel of record, and hereby move the court pursuant to
18 Local Rule 7.1.h to extend the time for filing their opposition to plaintiff's motion for a
19 writ of execution in favor of Plaintiff Antonio S. Camacho against the Defendants CNMI,
20 the former MPLA, through DPL, and against DPW or, alternatively, for an Order in Aid of
21 Judgment against the Defendants. Good cause exists to grant the motion, as set forth in
22 the declaration below.

23 Pursuant to L.R. 7.1.h.2(a) (increase of time previously obtained by the parties),
24 there has been no previous request for extensions or increases of time as to the underlying
25 motion for writ of execution or for an for an order in aid of judgment.

1 Pursuant to L.R. 7.1.h.2(b) (reason for the particular increase requested), the reason
2 for the increase is set forth below in the declaration of counsel.

3 Pursuant to L.R. 7.1.h.2(c) (effect on other scheduled dates), because the hearing
4 has been set for Thursday, 28 August 2008, just two days away, additional time will be
5 needed, in whatever time Plaintiff requires, to allow for his reply to Defendants'
6 opposition.

7
8 Respectfully submitted,

9 OFFICE OF THE ATTORNEY GENERAL

10 MATTHEW T. GREGORY # F0205
11 Attorney General

12 Dated: Tuesday, 26 August 2008.

Gregory Baka
13 GREGORY BAKA # F0199
14 Deputy Attorney General

15 Attorneys for Defendants CNMI,
16 former MPLA (DPL), and DPW

17 **DECLARATION OF GREGORY BAKA**

18 I, GREGORY BAKA , do hereby declare:

19 1. I am competent to testify, and if called to do so, I would testify in accord
20 herewith.

21 2. I am the attorney for the Commonwealth of the Northern Mariana Islands
22 (CNMI); the former Marianas Public Lands Authority (MPLA) through its successor in
23 interest, the Department of Public Lands (DPL); and the Department of Public Works
24 (DPW) in the above-captioned proceedings. I submit this declaration in support of this
25 motion to increase the time for filing and service of the opposition to the plaintiff's motion

1 for a writ of execution in favor of Plaintiff Antonio S. Camacho against the Defendants
2 CNMI, the former MPLA, through DPL, and against DPW or, alternatively, for an Order
3 in Aid of Judgment against the Defendants, set be heard on Thursday, 28 August 2008.
4 The facts stated herein are of my own knowledge.

5 3. The Plaintiff's motion and supporting papers cited absolutely no legal authority
6 whatsoever applying a writ of execution or order in aid of judgment against a state or
7 territory.

8 4. In the complete absence of any supporting authority, the opposition to the motion
9 required extensive research into constitutional law, state debt, insolvency and bankruptcy,
10 and recent actions by the CNMI Legislature with respect to appropriations to pay for
11 judgments.

12 5. In addition to the complexity of the task, I was hindered by the ongoing extreme
13 shortage of resources at the CNMI Office of the Attorney General (OAG). At the end
14 of 2005 there were 30 attorneys in the OAG. By July 2006 there were 20. Since then, the
15 number of OAG lawyer has hovered slightly above that level (including 10 or 11 in the
16 Criminal Division) and currently numbers 22. The OAG Civil Division has no brief bank,
17 networked file-sharing, or online calendar.

18 6. While the building housing the OAG Civil Division has a manually operated
19 backup generator during working hours, for over a week it was inoperative, resulting in
20 outages of over two hours daily as the Commonwealth Utilities Corporation has
21 implemented more aggressive load shedding. Additionally, the generator is not run on
22 weekends or after normal working hours. In the past weeks, outages of two to four hours
23 once or twice daily have limited the ability to perform the research and writing required to
24 prepare the opposition.
25

1 7. Additionally, pressing demands on my time, such as requests by the
 2 U.S. Department of Homeland Security for information necessary for the implementation
 3 of Pub. L. 110-229, and the consequences of the power outage schedule at my apartment
 4 in Chalan Kanoa, and my own personal limitations, have all prevented me from completing
 5 the opposition any faster than I was able to.

6 8. Accordingly, the Defendants request that the time allowed by Local Rule 7.1 for
 7 filing and serving the opposition to plaintiff's motion for partial summary judgment
 8 scheduled to be heard on Thursday, 28 August 2008 be increased, making the opposition
 9 papers due on Tuesday, 26 August 2008, and continuing the hearing to allow Plaintiff
 10 ample time to reply.

11 I declare under the penalty of perjury that the foregoing is true and correct and that
 12 this Declaration was executed this 26th day of August, 2008 on Saipan, Commonwealth of
 13 the Northern Mariana Islands.

14
 15 Respectfully submitted,

16 OFFICE OF THE ATTORNEY GENERAL

17 MATTHEW T. GREGORY # F0205
 18 Attorney General

19 Dated: Tuesday, 26 August 2008.

Gregory Baka
 20 GREGORY BAKA # F0199
 Deputy Attorney General

21 Attorneys for Defendants CNMI,
 22 former MPLA (DPL), and DPW
 23
 24
 25

CERTIFICATE OF SERVICE

Pursuant to Federal Rule of Civil Procedure 5(d), the undersigned declarant states as follows:

1. I am eighteen years of age or older, and I certify that I caused to be served the following document(s) to the last known address(es) listed below on the date(s) indicated.

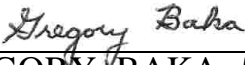
EX PARTE APPLICATION UNDER LOCAL RULE 7.1 TO INCREASE TIME FOR BRIEFING ON PLAINTIFF'S MOTION FOR WRIT OF EXECUTION OR ORDER IN AID OF JUDGMENT; CERTIFICATE MADE PURSUANT TO RULE 7.1.h.3(b); DECLARATION IN SUPPORT; CERTIFICATE OF SERVICE

2. As set forth below, this service was accomplished either by personal delivery; U.S. Mail; deposit with the Clerk of Court (in attorney's box), cf. Fed. R. Civ. P. 5(b)(2)(D); or electronic service, see Local Rule 5.1.

Michael W. Dotts, Esq. # F0150
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E-mail: attorneys@saipan.com
michael_dotts@hotmail.com
Via Electronic Service

3. I declare under penalty of perjury that the foregoing is true and correct. Executed on Tuesday, 26 August 2008.


GREGORY BAKA # F0199
Deputy Attorney General
Attorney for Defendants CNMI,
former MPLA (DPL), and DPW